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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **ADVISORY ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/30/2010 have been fully considered but they are not persuasive. Applicant's main argument is that the references do not meet the claimed subject matter because Morrison does not require demanding the major channel, from which the minor channels are tuned. First of all, examiner respectfully points out that this feature is found in Vancelette. In particular, as noted in the previous Office Action, Vancelette teaches that a particular network channel (e.g., network X) may be selected by the user, (Abstract; col. 6, lines 52-56; col. 7, lines 28-33; col. 8, lines 20-35) which itself carries up to three separate channels of video programming. The example given by Vancelette is that the three channels of video programs may be related, but simply have different angles/audio feeds of the same program.

Examiner asserts that Vancelette teaches all relevant subject matter, except the feature of '*displaying on the digital TV minor channel numbers...*'. Therefore, Morrison is only recited to teach the proposition that it would have been obvious to show the channel numbers associated with minor channels, at least so that the customer can be aware of the content on the channel(s) that will be selected. Thus, examiner respectfully disagrees with applicant's argument that because the content of the minor channels in Vancelette is related, whereas the content in Morrison tends to be unrelated. This is because irrespective of the content of the minor

channel(s), it still would have obvious to display the channel number to inform the customer of the content on the channel which could be selected.

Applicant thus argues that Morrison is not compatible with Vancelette, because in Morrison the minor channels generally carry content that is separate & unrelated. For instance, applicant argues that “at best, the combined teaching would only combine the two inventions such that for each selectable program of Morrison separate and alternate viewing angles, perspectives or alternate storylines would also be available”. However, examiner respectfully points out that the whether or not the content is related, i.e., from the same program or with different programs, does not necessarily change the operation of the system.

Examiner points out that under the newly adopted KSR rules, a 103 rejection can be sustained if it is shown that the rejection uses known techniques to improve similar devices in the same way or applying known techniques to known device for improvement to achieve predictable results. Combining the technique shown in Morrison of associating a channel number to a minor channel, with the teaching of Vancelette would achieve a predictable result. In particular, Vancelette would be modified to have channel number for each transmitted channel, so that the customer is clear as to which channel is being selected. Examiner further points out that when discussing the different channels, the reference delineates the different channels by referring to them as Channel(s) A; B; C, which is evidence that Vancelette contemplates the channel(s) being delineated somehow, but again does not actually disclose the customer seeing an associated channel number.

Finally it is pointed out that applicant's arguments appear to be that all of the elements of Vancelette should be found in Morrison, in order for the rejection to be valid. However, examiner does not agree with this line of reasoning.

In particular, applicant argues throughout pages 5-9 that Morrison does not teach that the minor channels are selected through a demanded major channel. But again, examiner reiterates the above argument that this feature is taught by Vancelette. Because the feature of selecting a channel through a demanded major channel is taught by Vancelette, it is not necessary to have the same feature taught by Morrison.

**Any response to this action should be mailed to:**

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**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

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/Annan Q Shang/

Primary Examiner, Art Unit 2424